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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/126,007	07/29/1998	YOJI KAWAMOTO	SONY-P8779	8417

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1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

CRAVER, CHARLES R

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/126,007

Applicant(s)

KAWAMOTO, YOJI

Examiner

Charles R. Craver

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 12-14, 50, 52, 73, 74, 82, 84, 86, 88-91, 102, 104-108 and 110-125 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 118-125 is/are allowed.
- 6) ☒ Claim(s) 1-5, 12-14, 50, 52, 73, 74, 82, 84, 86, 88-91, 102, 104-108 and 110-117 is/are rejected.
- 7) ☒ Claim(s) 50, 52, 89 and 91 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 July 1998 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 12-14, 50, 52, 73, 74, 82, 84, 86, 88-91, 102, 104-108 and 110-117 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomita, US Pat 6,100,884 in view of Mankovitz, US Pat 5,494,492.

Claims 1, 4, 5, 12, 73, 82, 84, 86, 88 and 90: Tomita discloses an information processing apparatus and code adapted to exchange information with another information processing apparatus, comprising capture means for capturing information including at least time information that corresponds with a broadcast time (col 2 lines 44-52), memory means for storing information captured via said capture means, acquisition means for acquiring information associated with the content and the information stored in said memory means on the basis of the information stored in said memory means and display means for displaying the information acquired via said acquisition means (col 5 lines 5-61, col 11 line 19-col 12 line 28).

Tomita fails to disclose time at which a predetermined content was broadcast from a broadcast source, however Mankovitz discloses such in a handheld information apparatus (col 2 line 60-col 3 line 63, col 7 line 35-col 10 line 67). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add

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such a feature to Tomita as it would aid in searching the information. **Claims 2, 13:**

Tomita discloses means to transmit and receive the information to/from the other device

(FIG 2). **Claims 3, 14, 73:** the Tomita device inherently includes storage means. **Claim**

74: the use of floppy disks and CD-ROMs were notoriously well-known at the time of the

invention, and as such the examiner takes Official Notice of such features, asserting

that one of ordinary skill in the art at the time would have found such storage means

obvious. **Claim 102, 108:** Tomita discloses a button (FIG 15A). **Claim 104, 110:**

Tomita discloses a microphone. **Claims 105-107:** the use of a hiding technique was

notoriously well-known at the time of the invention, and as such the examiner takes

Official Notice of such features, asserting that one of ordinary skill in the art at the time

would have found such means obvious. **Claims 111-113:** the data extracted is read as

hidden and, it would have been further obvious to utilize a standard code. **Claims 114-**

117: Tomita discloses a computer database server.

Allowable Subject Matter

Claims 118-125 are allowed.

Claims 50, 52, 89 and 91 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Claim 118 teaches towards a recording device configured to record information related to a music playing when said recording device records said information, said

music being broadcast from a remote source, comprising a memory configured to store said information related to said music when said music is playing, a circuit configured to acquire information associated with the music based on said information related to said music when said music is playing and a display device configured to display the information associated with the music acquired with said circuit.

Claims 50, 52, 89 and 91 teach towards a device as recited in claim 1 comprising a cellular telephone.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles R. Craver whose telephone number is 571-272-7849. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on 571-272-7868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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CC
July 25, 2005


CHARLES CRAVER
PRIMARY EXAMINER